

ORDINANCE NO. 08-31

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION", ARTICLE II. OCCUPATIONAL LICENSE TAX, AND IN PARTICULAR, REVISING HIALEAH CODE § 86-43 ENTITLED "SCHEDULE OF FEES", TO ESTABLISH A SCHEDULE OF FEES AND TO PROVIDE A LICENSING SYSTEM TO INCLUDE THE ISSUANCE OF OCCUPATIONAL LICENSES OF AMUSEMENT MACHINES FOR EACH AMUSEMENT MACHINE LOCATED WITHIN THE CITY, ESTABLISH A FEE OF \$500.00 FOR EACH TYPE II AMUSEMENT MACHINE, EFFECTIVE IMMEDIATELY, AND A FEE OF \$600 FOR EACH TYPE II AMUSEMENT MACHINE, EFFECTIVE OCTOBER 1, 2009, AND REVISE FEE SCHEDULE FOR INDIVIDUAL TYPE I MACHINES, ESTABLISH A FEE OF \$150.00 FOR BINGO HALL AMUSEMENT CENTER MACHINES; REVISE FEE SCHEDULE FOR MUSIC MACHINES AND KIDDIE RIDES; AND PROVIDE RESTRICTIONS RELATING TO THE ACTIVITIES WITHIN EACH OF THE RESPECTIVE OCCUPATIONAL LICENSE CATEGORIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to provide a license system for amusement machines for issuing occupational licenses to business owners, with appropriate limitations and regulations in the interest of the health, safety and welfare of the community; and

WHEREAS, the City finds that it is reasonable and in its best interest to increase occupational license fees to defray increasing costs of licensing and enforcement of city

regulations relating to the use of type II amusement machines, through the Licensing Section and Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation", Article II. Occupational License Tax, of the Code of Ordinances of the City of Hialeah, Florida, in particular, Hialeah Code § 86-43 entitled "Schedule of fees", is hereby amended to read as follows:

Chapter 86

TAXATION

* * *

ARTICLE II. OCCUPATIONAL LICENSE TAX

* * *

Sec. 86-43. Schedule of fees.

The amount of license fees that shall be paid by the different classifications of licenses shall be as set forth in the following schedule opposite each classification; such fees shall be computed annually unless otherwise specified. The schedule generally follows the order and numerical sequences of the Standard Industrial Code (SIC). Regulatory requirements for specific business activities are listed in the schedule as well as the fees.

* * *

<i>Industry</i>	<i>Description and Regulation</i>	<i>Fee</i>
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* * *

Major Group 79.	Amusement and Recreation Services	
	All licenses in this group	100.00
	Exceptions:	
	* * *	
	7993. Coin-operated amusement	
	devises Type I and type II amusement machines	
	(as per article III of chapter 18):	
	7993A. Individual owner, same location, per machine	40.00
	7993A. Business owner operating amusement type I	
	(arcade) machine, for each machine at each location,	150.00
	written notification of property owner required if business	
	owner and property owner not the same*	
	7993B. Business owner operating type II amusement	
	machine, for each machine at each location,	600.00**
	written notification of property owner required if business	
	owner and property owner not the same*	
	*No transfer of license allowed. New license must be	
	issued if machine is to be placed or transferred to a new location.	
	County and state licenses required.	25.00***
	**This fee will be effective on October 1, 2009. A fee of \$500.00	
	will be effective immediately. For the license year ending	
	September 30, 2008, a fee of \$250.00 will be paid for the annual	
	license.	
	***If license is current and paid for the fiscal year.	
	7993C. Machines in amusement center (article III of	
	chapter 18)	
	Up to 100	625.00
	Council approval of area requirements, Over	
	100, each	40.00
	7993DC. Music machines, jukeboxes and video	
	jukeboxes. Only one permitted. Requires sticker:	
	Each individual owner, one location machine	150.00* 95.00
	7993E. Music machines, distributors:	
	Up to 100	375.00
	Over 100, additional	375.00
	Plus, per	40.00
	7993E. Amusement center machines—other than bingo halls	
	Tax on each individual machine is based on whether the machine	
	is a type I or type II amusement machine	150.00*
	7993F. Amusement center machines—bingo halls for adults only.	
	Each individual machine	150.00*
	7993FG. Kiddie rides (sticker), each	150.00* 40.00
	*For the license year ending September 30, 2008, the fee for	

individual machines other than 7993B licensed machines
shall be \$75.00 for the annual license.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 22nd day of April, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



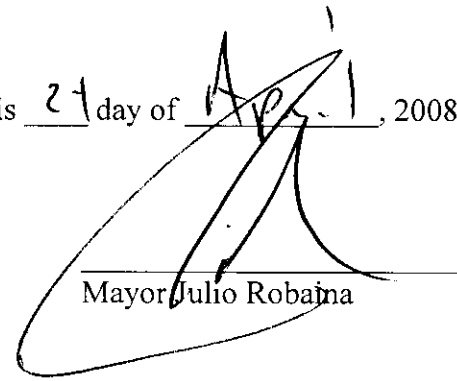
Esteban Bovo
Council President

Attest:

Approved on this 24 day of April, 2008.

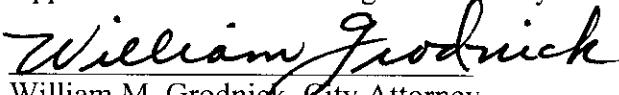


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".